

## EXHIBIT F

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1                   UNITED STATES DISTRICT COURT  
2                   CENTRAL DISTRICT OF CALIFORNIA  
3                   WESTERN DIVISION  
4                   - - -  
5  
6     CORY SPENCER, AN INDIVIDUAL;        )  
7     DIANA MILENA REED, AN                )  
8     INDIVIDUAL; AND COASTAL              )  
9     PROTECTION RANGERS, INC.,          )  
10    A CALIFORNIA NON-PROFIT PUBLIC     )  
11    BENEFIT CORPORATION,                )  
12                   Plaintiffs,             )  
13                   vs.                      ) No.: 2:16-cv-02129-SJO (RAOx)  
14                   )                        )  
15                   )                        )  
16     LUNADA BAY BOYS; THE INDIVIDUAL )  
17     MEMBERS OF THE LUNADA BAY BOYS,    )  
18     INCLUDING BUT NOT LIMITED TO      )  
19     SANG LEE, B RANT BLAKEMAN, ALAN )  
20     JOHNSTON, AKA JALIAN JOHNSTON,    )  
21     MICHAEL RAE PAPAYANS, ANGELO     )  
22     FERRARA, FRANK FERRARA, CHARLIE )  
23     FERRARA, AND N.F.; CITY OF      )  
24     PALOS VERDES ESTATES; CHIEF     )  
25     OF POLICE JEFF KEPLEY AND      )  
    DOES 1 - 10,                        )  
    )  
    Defendants.                        )  
- - - - -

20                   Deposition of ANTON DAHLERBRUCH, taken on  
21                   behalf of the Plaintiffs, at Premier Business Center,  
22                   One Park Plaza, Suite 600, Irvine, California, 92614,  
23                   commencing at 9:45 a.m., Friday, November 18, 2016,  
24                   before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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1 IRVINE, CALIFORNIA, FRIDAY, NOVEMBER 18, 2016

9:45 A.M.

-000-

5 MR. FRANKLIN: Let's have everyone make their  
6 appearances for the record, please.

7 THE WITNESS: Anton Dahlerbruch.

8                   MR. RICHARDS: Ed Richards and I represent the  
9 City.

10 MS. LUTZ: I'm Tera Lutz and I represent  
11 Sang Lee.

12 MR. DIEFFENBACH: Richard Dieffenbach for  
13 Brant Blakeman.

MS. VU: Jackie Vu representing Sang Lee.

15 MR. FRANKLIN: Why don't we go to the phone  
16 next.

17 MR. COOPER: And I'm Robert Cooper for  
18 Brant Blakeman.

19 MR. FIELDS: Mark Fields for Angelo Ferrara and  
20 N.E.

21 MS. BELL: Laura Bell for Frank Ferrara and  
22 Charlie Ferrara.

23 MR. HAVEN: And I'm Peter Haven for Michael  
24 Papavans

25 | MR. FRANKLIN: Kurt Franklin on behalf of

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1 Plaintiffs Corey Spencer, Diana Milena Reed, and the  
2 Coastal Protection Rangers in the punitive class.

3 Counsel, if I can just as a matter of  
4 housekeeping, I'll suggest that in terms of objections,  
5 I will stipulate if there's an objection that is made by  
6 all so that we don't need to join an objection. If  
7 that's okay with everybody here, it might help us speed  
8 through the deposition.

9 If it's a different objection, I'm okay, but if  
10 it's simply joining, I think that might be more  
11 efficient; are people okay with that?

12 MR. RICHARDS: I'm fine with that.

13

14 ANTON DAHLERBRUCH,  
15 having first been duly sworn, was  
16 examined and testified as follows:

17

18 EXAMINATION

19

20 BY MR. FRANKLIN:

21 Q. Everybody has joined.

22 And if you can on the phone, I'll try to be  
23 slow, and just identify yourself so that the court  
24 reporter can figure out who is talking.

25 We've marked as the first exhibit the Notice of

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1 asked for those documents, there should be documents of  
2 attendance?

3 A. Yes.

4 Q. Does the City have a no retaliation policy?

5 A. Can you clarify that for me, please.

6 Q. Well, I'll ask it in terms of if a resident or  
7 someone makes a complaint, is there a formal policy that  
8 the City shall not retaliate against somebody for making  
9 a complaint related to race or some other civil right?

10 A. I'm not aware if we have a policy or not.

11 Q. Does the City have anti-harassment policies?

12 A. Yes.

13 Q. Is there a person who is in charge of  
14 overseeing to make sure that those policies are updated?

15 A. It would also be out of the Human Resources  
16 Office.

17 Q. So, is the Palos Verdes Homes Association, do  
18 they have oversight over restrictive covenants; is that  
19 fair?

20 A. Yes.

21 Q. And then what is the, what is the, this is --  
22 this is new to me in terms of my work in City  
23 government.

24 How does the Art Jury work; they're a  
25 sub-committee of the Home Association?

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1 term first.

2 BY MR. FRANKLIN:

3 Q. Do you think it was after 2014 or before?

4 A. It was after, but I don't know exactly when it  
5 came up.

6 Q. What to your knowledge as the chief executive  
7 and City Manager of Palos Verdes Estates research has  
8 the City done on the concept of localism?

9 A. What do you mean by research.

10 Q. Have you asked anybody to conduct a study on  
11 localism generally?

12 A. Like write a report about it?

13 Q. Yes, evaluate it?

14 A. I'm not sure how to answer that question. We  
15 have not conducted a thesis-type study or a research  
16 study about what is localism or how you define localism,  
17 if that's what you mean.

18 Q. Have you reached out to any other City Manager  
19 of beach communities with respect to the issue of  
20 localism?

21 A. No. What are you defining as localism?

22 MR. DIEFFENBACH: I'll join with the objection,  
23 vague and ambiguous.

24 BY MR. FRANKLIN:

25 Q. Well, the City has on its web page, you can

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1 start there, and I can pull it up. I think that we  
2 printed it. There's a web page done by the Wolcott  
3 Company.

4 There's something along the lines of that we  
5 don't tolerate localism. I think that's the intent of  
6 that web page.

7 Do you authorize -- are you the person that  
8 authorizes the postings on the web page?

9 A. Yeah, yes, I am, yes.

10 Q. And in terms of public communication and  
11 outreach, are you in charge of P.R. for Palos Verdes  
12 Estates, if there is such a thing?

13 A. I work with a team of staff to do that, yes.

14 Q. And what is the team of staff that works on  
15 public relations?

16 A. It's a combination of the executive staff  
17 depending on what the issue is.

18 Q. What about the localism issue, who were the  
19 executive staff that worked on it?

20 A. Do you mean what is posted on the website?

21 Q. Yes.

22 A. Primarily, me, yeah, I think it's only me.

23 Q. Just you, you said probably?

24 A. It's a difficult question to answer defining  
25 what you mean by localism.

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1           In terms of what is on the website, I'm  
2 involved. Since Jackie was hired, Jackie Wu which I  
3 spelled before, she has helped update our website. And  
4 she has been with us two months. So, it has not been  
5 very long.

6           Q. How long has the Wolcott Company done work for  
7 the City?

8           A. Probably a year thereabouts or a year and a  
9 half maybe.

10          Q. How were they retained?

11          A. They were retained -- do you mean what process  
12 did we go through?

13          Q. Was there a specific incident that caused you  
14 to reach out to the Wolcott Company?

15          A. Yeah. Their job to us is to build our website  
16 and to help us convert from what was our old website to  
17 our new website. And that was the purpose.

18          Q. And were they hired related to any specific  
19 incident?

20          A. Only for building the website and actually  
21 helping with creating our FaceBook account, presence,  
22 not content, but for the actual creating the new web  
23 page and associated links.

24          Q. How much was that contract; do you know?

25          A. Oh, I think that it's now at \$50,000. We

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1 modified it at one point. It started out at 17 or  
2 something like that.

3 Q. Who is your primary contact; Mr. Wolcott, is  
4 that the primary contact?

5 A. That's correct.

6 Q. And how many employees does he have; do you  
7 know?

8 A. I don't know.

9 Q. Was there an R.F.P. for that or how was he  
10 hired?

11 A. We did send out a request for proposals after,  
12 to several companies. And then we interviewed them and  
13 then made a decision.

14 Q. Is that a bidder type of proposal or is there  
15 discretion in terms of that type of hire?

16 A. It's not low bid, but they were the lowest.

17 Q. And in terms of what the text that's on the  
18 website related to localism, who was the primary author  
19 of that?

20 A. Me.

21 Q. And before you wrote it, who did you consult  
22 with?

23 A. Well, I got input from staff, including  
24 Mr. Wolcott, and typically, share information with the  
25 City Council as appropriate. I don't know if I did on

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1 that one or not, but depending.

2 Q. Do you remember what staff you got input on, on  
3 that particular?

4 A. I don't, sorry.

5 Q. But that should be in your E-Mails in terms of  
6 people you typically communicate with staff by E-Mail or  
7 text?

8 A. Not text.

9 Q. E-Mail?

10 A. E-Mail. And sometimes we send it out to  
11 everybody and everyone looks at it and they give us your  
12 thoughts. And other times it's let's sit down and talk  
13 about it.

14 Q. In terms of your E-Mail habits, do you  
15 typically copy the City Clerk?

16 A. No.

17 Q. How do things get put into a file or do they in  
18 terms of your E-Mails?

19 A. They're saved through the system and others  
20 lawsuit related. I have to make sure they're put aside.  
21 And then if it's correspondence with residents, I also  
22 make a point of putting those aside so they don't get  
23 lost.

24 Q. Do you have an in-box or folders where you put  
25 things?

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1           A. It's not an in-box, but on the hard drive.

2           Q. So, there are separate folders that you've  
3 created for different topics?

4           A. Not by topics, but just moved into a folder.

5           Q. What type of organization do you use for your  
6 folders?

7           A. Do you mean what's the title of the folder?

8           Q. Yes.

9           A. I have one for, two folders that I save the  
10 E-Mails in. One is council correspondence and the other  
11 one is staff correspondence.

12          Q. And in terms of, do those automatically migrate  
13 or do you drag them into it?

14          A. I drag them into it.

15          Q. And do you do that weekly, monthly, daily, when  
16 you have time?

17          A. As I send the E-Mail.

18          Q. So, if you send it, you have a habit that you  
19 send it and drag it afterwards and put it in the folder  
20 so that it's saved?

21          A. Right.

22          Q. Have all of those been retained?

23          A. Yes.

24          Q. And before you wrote the E-Mail on localism,  
25 did you take a historical look at any police reports

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1 related to surfing incidents?

2 A. No. I did not look at specific police reports,  
3 no.

4 Q. Did you look at any data in terms of how many  
5 incidents, beach-related incidents there may have been  
6 prior to writing that report?

7 A. I'm aware of it. Did I look at specific  
8 documents, it depends. We have a variety of different  
9 files that I make myself familiar with.

10 Q. And what files did you make yourself familiar  
11 with?

12 A. Whatever is in the Police Department and with  
13 the City Clerk.

14 Q. And about how much time did you spend preparing  
15 that?

16 A. What is on the web page, I don't know offhand,  
17 sorry.

18 Q. More than a few hours?

19 A. Yeah, it's hard to say. It goes through, you  
20 look at it and you go back and look at it and look again  
21 and you tweak and you modify. Sorry. I didn't keep  
22 track of how long it was.

23 Q. Do you think it's fewer than ten hours?

24 I'm trying to get how serious that you took in  
25 posting this on the web page and how long that you spent

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1 on it.

2 MR. RICHARDS: What's the question?

3 BY MR. FRANKLIN:

4 Q. How long did you spend preparing the text of  
5 localism on your web page?

6 MR. DIEFFENBACH: Calls for speculation.

7 THE WITNESS: I can't tell you. I don't know  
8 how long I spent.

9 BY MR. FRANKLIN:

10 Q. And so that means, I'm not asking for specifics  
11 in terms of I'm asking for your best estimate. And I  
12 didn't go through this. I'm entitled to your best  
13 estimate.

14 I'm not asking you to guess. So, you think it  
15 might have been, did you spend two days; was it a whole  
16 weekend; was it a few hours?

17 MR. RICHARDS: So, what's the question?

18 BY MR. FRANKLIN:

19 Q. What is your best estimate in terms of how much  
20 time that you spent preparing the text that is posted on  
21 the City of Palos Verdes Estates website related to  
22 localism?

23 A. I'm sorry. I'm not trying to be obstinate, but  
24 I don't know really how to -- I don't remember and I  
25 don't recall how long it took me.

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1           I'll tell you that we took it very seriously  
2 and it's important to us to make sure that everybody has  
3 a clear understanding of our concern about the  
4 situation. And we wanted to make sure that it was  
5 appropriately drafted.

6           Q. Did you get the first draft from Mr. Wolcott?

7           A. I don't remember.

8           Q. Is it possible that you got the first draft  
9 from Mr. Wolcott?

10           MR. DIEFFENBACH: Speculation.

11           THE WITNESS: No, well, it's possible, but not  
12 for sure.

13 BY MR. FRANKLIN:

14           Q. Okay.

15           A. Because there are oftentimes that I would write  
16 something and then just get feedback from people.

17           Q. So, is it fair to say that you did not consult  
18 any historians relating to the issue of localism prior  
19 to writing that piece that is posted on the Palos Verdes  
20 Estates web page?

21           A. Remind me when it went up, please.

22           Q. One second and I can do that. I believe that  
23 it went up in 2015. So, does that help you, I mean, in  
24 terms of --

25           A. We spent a significant amount of time trying to

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1 understand what the situation was and collected and had  
2 meetings and collected information, collected verbal  
3 information from people to have an understanding of what  
4 the concerns are.

5 And I don't, and part of that may have been  
6 before, during or after the website was updated. And I  
7 just don't remember the dates.

8 Q. You said that you had meetings trying to  
9 understand the issue, who did you have meetings with?

10 A. First, it was with the Surf Rider Foundation.

11 Q. Okay, keep going. That was first?

12 A. Yes.

13 Q. What was second?

14 A. The Heal The Bay, actually, it may have been  
15 the Coastal Commission or one or the other.

16 Q. Okay. Anybody else?

17 A. The Lunada Bay Homeowner's Association.

18 Q. Anybody else?

19 A. I can't think of anything offhand.

20 Q. And in terms of when these might be, do you  
21 keep an Outlook calendar?

22 A. I do.

23 Q. And do you, would you calendar such meetings on  
24 your Outlook calendar?

25 A. Yeah.

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1           Q. And so if we, if there was a production of your  
2       Outlook calendar for the last few years, we would be  
3       able to find that you attended or at least it was  
4       scheduled?

5           A. We can find the things if that's what you're  
6       asking for.

7           Q. Okay. Do you calendar your own meetings or  
8       does the City Clerk calendar your meetings?

9           A. A number of people including me will calendar  
10      meetings.

11          Q. Who most frequently calendars your meetings,  
12      yourself?

13          A. Yes.

14          Q. And prior to trying to understand the issue  
15      with Surf Rider, the Coastal Commission, Heal The Bay,  
16      and the Lunada Bay Homeowner's Association, have you  
17      done any other independent investigation in terms of the  
18      issue of localism?

19          A. I have walked down there.

20          Q. When did you walk down there after this in  
21      terms of localism being an issue, when did you walk down  
22      there?

23          A. I don't have the dates.

24          Q. Was it this year of 2016?

25          A. I've been down there in 2016, yes.

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1 Q. Would those be on your calendar, too, in terms  
2 of walking down there?

3 A. I don't know that they would be.

4 Q. In terms of trying to understand the issue, did  
5 you go down and talk to any surfers down there or beach  
6 goers?

7 A. Yeah, I have.

8 Q. Who did you talk to?

9 A. I don't remember their names.

10 Q. Do you remember -- you don't remember any of  
11 their names?

12 A. No.

13 Q. Did you take any notes of who you talked to?

14 A. No.

15 Q. And what was the discussion that you had with  
16 them?

17 A. Just learning about or hearing about their  
18 perception of what's going on.

19 Q. And what was their perception?

20 A. Their perceptions were that the space down at  
21 the coastline is available for everybody.

22 Q. Anything else?

23 A. No.

24 Q. Did you reach out to anybody; what did Surf  
25 Rider Foundation tell you about the subject of localism?

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1 A. Actually, not much.

2 Q. Why do you say that?

3 A. Well, I called them when there was an interest  
4 gathering on the particular issue of surfing in the  
5 area, we reached out or I reached out to them to  
6 understand their perspective on it and how to work  
7 together to try to address it.

8 Q. And what did they tell you?

9 A. Not much.

10 Q. Did you ask them if they would be willing to  
11 send their members down there as undercover?

12 A. I asked them, we feel that the, that it is open  
13 to the public. Everybody does have access to it. And  
14 we wanted to validate that and asked them to go down and  
15 experience it for themselves, to draw their own  
16 conclusion.

17 Q. And what did they tell you?

18 A. No.

19 Q. Didn't they tell you that they didn't want to  
20 put their members in harm's way?

21 A. They were concerned about their members. I  
22 don't remember the exact words.

23 Q. But something like that?

24 A. Yeah.

25 Q. And did that resonate with you?

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1 A. No.

2 Q. It didn't cause you any concern that the Surf  
3 Rider Foundation was afraid to send people down there?

4 A. No, because we feel that we've been doing  
5 everything that we need to do to make sure that the area  
6 is safe for everybody.

7 And there was not, there have not been, there  
8 have been isolated incidents, not a preponderance of  
9 incidents so.

10 Q. When you say we feel that we have been doing  
11 everything, who is we?

12 A. I would say the City. I represent the City.

13 Q. Is there anyone specifically when you say we  
14 feel?

15 A. I represent the City.

16 Q. And the Coastal Commission how many times, what  
17 did the Coastal Commission, what do you recall of that  
18 meeting and their interests and the issue of localism?

19 A. They were interested in the patio structure.

20 Q. Weren't they interested in the issue of  
21 localism also?

22 A. Their main focus is the patio structure.

23 Q. I understand that, but I also understand that  
24 they asked the City to address the issue of localism,  
25 isn't it fair to say that they asked you to evaluate

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1 Q. Was it just one in-person meeting or was there  
2 more than one in-person meeting?

3 A. I know that there was one. I don't recall if  
4 there was another one or not.

5 Q. Does that mean that there was not another one  
6 or you don't remember either way?

7 A. I don't remember another one. I know that we  
8 communicated after that.

9 Q. And how did you communicate with Surf Rider  
10 after the in-person meeting?

11 A. We followed up, my recollection is that  
12 inviting them again to get back to us about, you know,  
13 we wanted them to come down and enjoy the community and  
14 use the area. And then they sent back a letter that you  
15 referenced.

16 Q. So, was the follow-up an E-Mail or a phone  
17 message?

18 A. I honestly don't recall.

19 Q. Who would have been the person that followed up  
20 with Mr. Cadwallader; would it have been you or someone  
21 who works for you?

22 A. It may have been both, but I just don't  
23 remember. Someone who works for me and me.

24 Q. Who would have been the person that followed  
25 up, other than you?

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1 of context, and I'm repeating myself also maybe for  
2 them, but we had encouraged them to go down there  
3 because we felt that it was safe.

4 BY MR. FRANKLIN:

5 Q. And the part that I'm asking you that you  
6 haven't answered yet is that you don't remember them  
7 being concerned about safety?

8 MR. DIEFFENBACH: Objection, asked and  
9 answered. He answered the question.

10 THE WITNESS: I need to see the letter.

11 BY MR. FRANKLIN:

12 Q. So, you're unable to answer that question  
13 without reviewing the letter?

14 A. I'd like to look at the letter.

15 Q. I know that you would like to, but you're  
16 unable to answer the question without looking at the  
17 letter?

18 A. Yes.

19 Q. Okay. How about the -- and so what I have on  
20 Surf Rider was their, did you initiate the call or was  
21 it a call or an E-Mail to setup that meeting?

22 A. I recall that I called them.

23 Q. And so it was the South Bay chapter of Surf  
24 Rider?

25 A. That's correct.

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1 the follow-up, it's clear that there was not another  
2 in-person meeting with Surf Rider South Bay?

3 A. I don't recall one.

4 Q. And you cannot recall any specific phone calls  
5 with them afterwards?

6 A. No, no specific phone calls with them.

7 Q. And then in terms of, when did you first meet  
8 with -- strike that.

9 When did the City first meet with the Coastal  
10 Commission about the un-permitted structure at Lunada  
11 Bay?

12 A. I don't remember the date, but it was after  
13 that meeting with Surf Rider.

14 Q. Was it after -- when you met with the Coastal  
15 Commission, had you already received correspondence from  
16 them?

17 A. I think so, but I'm not sure.

18 Q. And when was the -- was it more than one  
19 in-person meeting with the Coastal Commission regarding  
20 Lunada Bay?

21 A. Yes, there have been.

22 Q. And how many meetings have there been?

23 A. I believe two.

24 Q. And who attended those meetings?

25 A. The first one included the Police Chief, the

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1 Planning & Building Director.

2 Q. Is that the City Manager?

3 A. Yes, that person, and me.

4 Q. And how about on the Coastal Commission side,  
5 who attended?

6 A. I don't know all their names.

7 Q. Was there more than one person?

8 A. They had four or five people and someone on the  
9 telephone, too.

10 Q. Where was that first meeting with the Coastal  
11 Commission?

12 A. Their office.

13 Q. Is that in Long Beach; where is their office  
14 located?

15 A. It's in Long Beach.

16 Q. Do you know about how long that first meeting  
17 was with the Coastal Commission?

18 A. Probably about an hour or so.

19 Q. Who setup that first meeting with the Coastal  
20 Commission?

21 A. Either I did or the Planning & Building  
22 Director, slash, Deputy City Manager. We asked for it  
23 or I asked for it.

24 Q. What was the purpose of you asking for that  
25 meeting?

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1           A. Similar to the other meetings that we had. We  
2 wanted to do fact-finding and understand their  
3 perspective and concerns and issues and build a  
4 relationship so we could mutually work together to  
5 address the situation.

6           Q. Did you have an agenda for that meeting, paper  
7 agenda, a paper agenda, purpose driven?

8           A. I don't recall one.

9           Q. Did you take notes at that meeting?

10          A. I did not.

11          Q. Is it your habit not to take notes of meetings?  
12           I'm just trying to understand what your  
13 personal habits are in terms of notes; how do you  
14 memorialize meetings that you've had?

15          A. I do my best to remember.

16          Q. Do you dictate?

17          A. No.

18          Q. Okay. And so with a meeting like that, that's  
19 not the type of meeting where you would make notes to  
20 yourself?

21          A. Correct. And I was with other people and  
22 collectively, you know, we have a recollection.

23          Q. All right. And did anybody on the City side  
24 take notes?

25          A. I don't know.

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1 Q. Have you asked?

2 A. No.

3 Q. Was there an E-Mail exchange following that  
4 meeting, first meeting with the Coastal Commission?

5 A. I don't know.

6 Q. Did you have any telephone calls with the  
7 Coastal Commission subsequent to that first in-person  
8 meeting in Long Beach?

9 A. No.

10 Q. Did your staff have any telephone calls to your  
11 knowledge with the Coastal Commission following that  
12 first in-person meeting in Long Beach?

13 A. I believe so.

14 Q. Who?

15 A. Ms. Repp-Loadsman.

16 Q. Did she report to you on her interaction with  
17 the Coastal Commission?

18 A. Generally.

19 Q. Was it in-person or by letter or memo or  
20 E-Mail; how did she report to you?

21 A. In-person.

22 Q. What did she tell you?

23 A. That she had talked with them to understand,  
24 also, their concerns and to convey our interest in  
25 working together to address the situation that we were

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1 dealing with.

2 Q. Okay. And at that time what did you understand  
3 the situation to be with respect to the Coastal  
4 Commission?

5 A. That we have an un-permitted structure. And  
6 either we have to obtain permits to maintain it or  
7 remove it.

8 Q. Was there anything else on the Coastal  
9 Commission's mind that you know of that related to you?

10 A. From that meeting, no, I think that was  
11 primarily it.

12 Q. Was there a second in-person meeting with the  
13 Coastal Commission?

14 A. Yes.

15 Q. And when was the second in-person meeting?

16 A. I don't know the date, sorry.

17 Q. Do you remember the general time frame; was it  
18 the summer of 2016?

19 A. I don't know.

20 Q. Where was that meeting, also in Long Beach?

21 A. No. That was actually at the site, at the  
22 Lunada Bay site.

23 Q. Who attended the second meeting at the Lunada  
24 Bay site?

25 A. From the City it was me, Ms. Repp-Loadsman, and

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1 the Police Chief.

2 Q. Did the Chief of Police attend that first  
3 meeting?

4 A. Yes.

5 Q. Why was he there?

6 A. Because he and his department are responsible  
7 for public safety. And we felt that it would be  
8 valuable to have him as part of this conversation.

9 Q. Public safety was a topic at these meetings?

10 A. No, but it was a matter of concern to us. And  
11 we wanted to make sure that everybody knew that we were  
12 addressing it.

13 Q. What was the specific public safety concern  
14 that the City had at that point?

15 A. So, what was the City's concern with public  
16 safety?

17 Q. Yes.

18 A. The City wanted to reinforce that we're doing  
19 everything that we could to maintain public access in a  
20 safe environment for anyone who is visiting the  
21 coastline.

22 Q. And how was that conveyed to the Coastal  
23 Commission?

24 A. Just like that.

25 Q. And was there a detailed plan or what were the

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1 specifics besides that statement?

2 A. You know, I don't recall from that particular  
3 meeting.

4 Q. Do you recall any specific plans in terms of  
5 the City's representation to the Coastal Commission  
6 related to safety and access?

7 A. At that meeting?

8 Q. At anytime.

9 A. Say that again, please.

10 Q. Do you recall any specific plans with respect  
11 to safety and access being communicated to the Coastal  
12 Commission from the City of Palos Verdes Estates?

13 A. I don't remember. I don't know because we have  
14 shared with many people our efforts to, and the police  
15 have been active, the Police Chief has been active in  
16 communicating and having his staff put out fliers and  
17 communicate. So, I just don't remember.

18 Q. Was there follow-up in terms of the site  
19 location, Lunada Bay site meeting, how many people from  
20 the Coastal Commission attended?

21 A. They may have had like four people.

22 Q. Do you remember any of their names?

23 A. Jordan Sanchez is one of them. And I don't  
24 remember the other ones.

25 Q. Mr. Willis, does that sound familiar?

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1 Coastal Commission, you made it to the fort and then  
2 what happened?

3 A. They had never seen it before. They had never  
4 been down there. They had only looked from on top. So,  
5 they looked at it and inspected it and evaluated its  
6 condition and talked about its removal and that was it.

7 Q. Did the Coastal Commission say that it had to  
8 be removed?

9 A. They have consistently told us that the City  
10 Council has the option of permitting it or removing it.

11 Q. And if it was permitted, did they want other  
12 things to happen as part of the permitting process?

13 A. They have suggested in writing that if it was  
14 permitted there may be other amenities that they feel  
15 would enhance the area.

16 Q. And so do you recall any of the amenities that  
17 the Coastal Commission thought that might enhance the  
18 area?

19 A. They talked about benches and binoculars.

20 Q. Signs?

21 A. Signs, yeah.

22 Q. Does the City consider that a beach to be used  
23 by the public or that is an accessible beach or does the  
24 City have some other in terms of storm runoff or that  
25 type of thing, is that a usable beach for residents and

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1 that going to start?

2 A. Monday.

3 Q. And do you know how long that it's supposed to  
4 take?

5 A. I would defer to the City Engineer to give you  
6 the specifics on that.

7 Q. Have you heard anything -- I've heard they're  
8 bringing a dumpster down there; is that how they're  
9 getting out that material?

10 A. Again, the City Engineer is the most  
11 knowledgeable on the process. And there are options  
12 available to the contractor to determine.

13 Q. And then in terms of after that second on-site  
14 meeting, do you recall any other communications with the  
15 Coastal Commission?

16 A. There has been an exchange of letters.

17 Q. Other than the exchange of letters, any  
18 additional calls or in-person meetings?

19 A. No, not that I'm aware of.

20 Q. Do you have any familiarity if the Coastal  
21 Commission is doing a survey of the coastal beach goers  
22 related to the Lunada Bay?

23 A. I don't know.

24 Q. In terms of the next meeting with Heal The Bay,  
25 who negotiated the contact with Heal The Bay?

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1 A. I did.

2 Q. And about when did you first call Heal The Bay  
3 relating to the specifics of Lunada?

4 A. I really don't know when I initiated that.

5 Q. Would there be E-Mail communications relating  
6 to that?

7 A. Not that I'm aware of.

8 Q. And was that an in-person meeting or a  
9 telephone call?

10 A. In-person.

11 Q. Where was the meeting?

12 A. Their office.

13 Q. What City?

14 A. Santa Monica.

15 Q. Did you meet with Matt King?

16 A. Yes, Matt King and a woman, and I don't  
17 remember her name.

18 Q. And how about on the City side, was there  
19 someone beside yourself?

20 A. The same two other people, the Police Chief and  
21 the Planning Director, slash, Deputy City Manager.

22 Q. And why was the Police Chief in attendance?

23 A. We were all on a listening tour to understand  
24 perspectives and information and history and perceptions  
25 and facts that people had.

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1           And it was important that all of us heard it  
2 together, just like Surf Rider.

3           Q. What did you learn from the Heal The Bay  
4 meeting?

5           A. They made suggestions about communicating with  
6 the public and more from a public relation perspective  
7 how we might illustrate to people through communications  
8 that, you know, the space is accessible to everybody and  
9 safe for everybody.

10           And that ended up being the primary point of  
11 the discussion from their perspective.

12           Q. Is that because Mr. King has a P.R. background  
13 or what?

14           A. No, because they're mostly a scientific  
15 research oriented interest group for protecting the  
16 quality of the water and beaches so they're again safe  
17 for public use and in that way accessible for public  
18 use. So, that's where they're coming from.

19           Q. And with the Heal The Bay meeting, how did it  
20 end up with beach clean up day coming out of that, what  
21 was the -- how did beach clean up equate to public  
22 access?

23           A. The City has had a long history of working with  
24 Heal The Bay and doing a beach clean up. So, I'm not  
25 sure that there was a correlation between that meeting

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1 Q. Who with the City met with the Homeowner's  
2 Association?

3 A. I recall that it was Ms. Repp-Loadsman and me.

4 Q. Who from Lunada Bay Homeowner's Association  
5 attended the meeting?

6 A. There were probably half a dozen. And I don't  
7 remember who they all were.

8 Q. Do you remember any of them of the half a dozen  
9 people that you meet with?

10 A. The President is a gentleman by the name of  
11 Peter Bena, P-e-t-e-r, B-e-n-a.

12 Q. And whom else do you remember meeting with?

13 A. I'm not sure.

14 Q. And what did the, as part of your listening  
15 tour, what did the Lunada Bay Homeowner's Association  
16 tell you; what did you gather from their sentiments?

17 A. They were equally concerned about the behavior  
18 in the area and wanted it changed. They felt that the  
19 area is open to the public and wanted it that way. And  
20 they conveyed that to us.

21 It's kind of the essence of what we were  
22 talking about.

23 Q. And what specific behavior did you understand  
24 they were concerned with?

25 A. What they were reading in the newspaper.

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1 A. Yes.

2 Q. Did you ever hear that on Martin Luther King  
3 Day paddle out that regular surfers and people who live  
4 in Palos Verdes Estates who protested the protesters  
5 paddled out in black face?

6 A. No.

7 Q. And if that had happened, would you expect that  
8 to be written up in a police report?

9 MR. DIEFFENBACH: Calls for speculation, no  
10 foundation.

11 THE WITNESS: I would be very concerned with  
12 something like that, yes.

13 BY MR. FRANKLIN:

14 Q. Are you aware that a person that paddled out in  
15 black face on Martin Luther King Day and told Mr. Taloa  
16 that you don't pay enough taxes to be here?

17 A. No. I'm not aware.

18 Q. And is that as the City Manager, that would be  
19 the type of thing that you would want investigated; is  
20 that fair?

21 A. I would defer to the Police Department for what  
22 violation of law took place and they would handle it,  
23 yes.

24 Q. Would it cause you concern?

25 A. You know, it concerns me when there's

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1       intimidation taking place. We don't want that as a  
2       community. And we take that very seriously and would  
3       respond to it.

4           Q. Showing up in black face on Martin Luther King  
5       Day, would you take that as intimidation?

6           A. I would refer to the Police Department to  
7       handle it as they would be responsible for doing.

8           Q. Have you ever heard that some of the regular  
9       surfers at Lunada Bay work for the Long Beach Police  
10      Department?

11          A. No.

12          Q. Have you ever visited with the liquor store  
13       owner related to an event that happened at his store, I  
14       think, in 2015?

15           MR. DIEFFENBACH: Vague, ambiguous,  
16       unintelligible.

17           THE WITNESS: Where is the store that you're  
18       talking about?

19       BY MR. FRANKLIN:

20          Q. There's a liquor store in Lunada Bay. And it's  
21       owned by an immigrant who is suing some of the same  
22       individuals in this lawsuit; have you heard about that  
23       lawsuit?

24          A. From the newspaper.

25          Q. Have you ever visited with the liquor store

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1 Malibu.

2 Q. Is it fair to say that you didn't have surfing  
3 localism related conversations with either of those  
4 people?

5 A. It's a double negative.

6 Q. Fair enough.

7 Did you seek -- did you talk to either of those  
8 two City Managers about localism?

9 A. I talked to the City Manager of Manhattan, I'm  
10 sorry, Malibu about the patio structure and how they  
11 dealt with anything similar in terms of public access.

12 Q. Did they have something similar?

13 A. No.

14 Q. They have a different public access issue  
15 there?

16 A. Yes.

17 Q. It has to do with gates?

18 A. Yes.

19 Q. Is there any employee designated to handle  
20 complaints from visitors?

21 A. Such as what?

22 Q. Any type of complaint if it's a, if it relates  
23 to police it goes to the police department and do  
24 complaints go to anywhere else if someone calls in; how  
25 does that work?

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1           A. If someone is going to file a complaint with  
2 the City, they can go on the website and there's a form  
3 that they can fill in. And it designates who they send  
4 it to.

5           We also have a directory on the website that  
6 allows people to send individual E-Mails to whoever they  
7 feel should get their complaint.

8           Or sometimes people will just call the City and  
9 the receptionist will determine where best to direct the  
10 complaint.

11          Q. Do you have an understanding of what a  
12 citizen's arrest is?

13          A. A little bit.

14          Q. Do you have any understanding that there has  
15 been an allegation in this lawsuit that Palos Verdes  
16 Estates police officers have said, asking people do they  
17 want to make a citizen's arrest rather than take a  
18 report or do something else?

19           And the allegation is that they have been  
20 discouraging outsiders from making reports or making a  
21 citizen's arrest after that was suggested.

22           Words to the effect of, well, if you make a  
23 citizen's arrest, these guys here are all wealthy. And  
24 you're going to take on civil liability. And maybe you  
25 don't want to do that; do you want to make a citizen's

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1 MR. DIEFFENBACH: Copy and rough draft, please.

2 THE REPORTER: Does any other Counsel want a  
3 rough draft?

4 MS. VU: Copy.

5 MR. FIELDS: Copy.

6

7

8 (Whereupon, the deposition of  
9 ANTON DAHLERBRUCH commenced at  
10 9:45 a.m. and concluded at  
11 5:45 p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES )

6 I, the undersigned, declare under penalty of  
7 perjury that I have read the foregoing transcript, and I  
8 have made any corrections, additions, or deletions that  
9 I was desirous of making; that the foregoing is a true  
10 and correct transcript of my testimony contained  
11 therein.

13 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_  
15 (City) (State)

20 ANTON DAHLERBRUCH

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1 REPORTER'S CERTIFICATE

2  
3 I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a  
4 Certified Shorthand Reporter, certify:

5 That the foregoing proceedings were taken  
6 before me at the time and place therein set forth, at  
7 which time the witness was put under oath by me;

8 That the testimony of the witness and all  
9 objections made at the time of the examination were  
10 recorded stenographically by me and were thereafter  
11 transcribed;

12 That the foregoing is a true and correct  
13 transcript of my shorthand notes so taken.

14 I further certify that I am not a relative or  
15 employee of any attorney or of any of the parties, nor  
16 financially interested in the action.

17 I declare under penalty of perjury under the  
18 law of the State of California that the foregoing is  
19 true and correct.

20 Dated this 18th day of November, 2016.

21  
22  
23  
24 Angelique Melody Ferrio  
CSR No. 6979

25  
  
Anton Dahlerbruch  
November 18, 2016

Exhibit F, page 283

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1 REPORTER'S CERTIFICATION OF CERTIFIED COPY  
2  
3  
4

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a  
Certified Shorthand Reporter in the State of California,  
certify that the foregoing pages are a true and correct  
copy of the original deposition of ANTON DAHLERBRUCH,  
taken on Friday, November 18, 2016.

I declare under penalty of perjury under the  
laws of the State of California that the foregoing is  
true and correct.

Dated this 18th day of November, 2016.

---

18 Angelique Melody Ferrio  
CSR No. 6979  
19  
20  
21  
22  
23  
24  
25

Anton Dahlerbruch  
November 18, 2016

Exhibit F, page 284